

## EXHIBIT “G”

**Lex Smith**

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**From:** "Timothy J. Hogan" <hogant001@hawaii.rr.com>  
**To:** "Limongelli, Victor" <victor.limongelli@guidancesoftware.com>; "Timothy J. Hogan" <tjh@loio.com>  
**Cc:** <cmatsui@triallawhawaii.com>; "Eric Liebeler (E-mail)" <eliebeler@kirkland.com>; "Erin Lee (E-mail)" <eol@fmhc-law.com>; "Emily Reber Porter (E-mail)" <eporter@goodsill.com>; "Julia Morgan" <jmm@fmhc-law.com>; <kakamine@triallawhawaii.com>; <kgabler@nchc.com>; "Sheldon Toll (E-mail)" <lawtoll@comcast.net>; "Leroy Colombe (E-mail)" <lcolombe@ckdbw.com>; "Lex Smith" <lex@gte.net>; "Lyle Hosoda (E-mail)" <lsh@hosodalaw.com>; "Lyle Hosoda (E-mail)" <lshosoda@hotmail.com>; "Margery Bronster (E-mail)" <mbronster@bchlaw.net>; "Rex Y. Fujichaku" <rfujichaku@bchlaw.net>; "Roy Tjioe (E-mail)" <rtjioe@goodsill.com>; "Wesley H. Ching (E-mail)" <WHC@fmhc-law.com>; <hawaiiilaw@att.net>; "Damian Capozzola" <dca Pozzola@kirkland.com>  
**Sent:** Monday, June 06, 2005 3:39 PM  
**Subject:** RE: DVD Received & Exhibit A

Yes. the other 7 spreadsheets relate to pg. 3 para. 1(b) regarding the "Before" images.

The After files were 23,000 out of approx. 170,000.

The Before was 140,000 out of about 800,000. That is why I said to focus first Before spreadsheet and produce the material in No. (2) Suspect Files – Before01.xls containing 1317 files. Once we get that and assuming Mr. Berry gets to look at them to identify them, we will work to get out a report on these files ASAP.

Tim Hogan

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**From:** Limongelli, Victor [mailto:victor.limongelli@guidancesoftware.com]  
**Sent:** Monday, June 06, 2005 3:01 PM  
**To:** Timothy J. Hogan; Timothy J. Hogan  
**Cc:** cmatsui@triallawhawaii.com; Eric Liebeler (E-mail); Erin Lee (E-mail); Emily Reber Porter (E-mail); Julia Morgan; kakamine@triallawhawaii.com; kgabler@nchc.com; Sheldon Toll (E-mail); Leroy Colombe (E-mail); Lex Smith; Lyle Hosoda (E-mail); Lyle Hosoda (E-mail); Margery Bronster (E-mail); Rex Y. Fujichaku; Roy Tjioe (E-mail); Wesley H. Ching (E-mail); hawaiiilaw@att.net; Damian Capozzola  
**Subject:** RE: DVD Received & Exhibit A

OK, so the spreadsheet entitled "Suspect Files – After00.xls" covers paragraph 1(a) of page 3 of the Discovery Master's Order dated May 26, 2005.

Now that we've cleared that up, what are the other 7 spreadsheets that you have sent us?

Is it your position that the other 7 spreadsheets list files pursuant to paragraph 1(b) of page 3 of the Discovery's Master's Order dated May 26, 2005? If not, why did you send them to us? If so, it appears that you have identified over 160,000 files that purportedly fall within paragraph 1(b), which to my untrained eye seems a bit on the high side.

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**From:** Timothy J. Hogan [mailto:hogant001@hawaii.rr.com]  
**Sent:** Monday, June 06, 2005 5:21 PM  
**To:** Limongelli, Victor; Timothy J. Hogan  
**Cc:** cmatsui@triallawhawaii.com; 'Eric Liebeler (E-mail)'; 'Erin Lee (E-mail)'; 'Emily Reber Porter (E-mail)'; 'Julia Morgan'; kakamine@triallawhawaii.com; kgabler@nchc.com; 'Sheldon Toll (E-mail)'; 'Leroy Colombe (E-mail)'; 'Lex Smith'; 'Lyle Hosoda (E-mail)'; 'Lyle Hosoda (E-mail)'; 'Margery Bronster (E-mail)'; 'Rex Y. Fujichaku'; 'Roy Tjioe (E-mail)'; 'Wesley H. Ching (E-mail)'; hawaiiilaw@att.net; 'Damian Capozzola'  
**Subject:** RE: DVD Received & Exhibit A

As to the after image your No. (1) is the 23,000 item file. The other one to look at first is No. (2) it is 1,317 items.

Just to clarify, there was a repeated typo in the lists. Here it is with the typo corrected:

(1) Suspect Files – After00.xls	23423
(2) Suspect Files – Before01.xls	1317
(3) Suspect Files – Before02.xls	24906
(4) Suspect Files – Before03.xls	24113
(5) Suspect Files – Before04.xls	24989

(6) Suspect Files – Before05.xls	24966
(7) Suspect Files – Before06.xls	24726
(8) Suspect Files – Before07.xls	15512

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**From:** Limongelli, Victor [mailto:victor.limongelli@guidancesoftware.com]

**Sent:** Monday, June 06, 2005 2:01 PM

**To:** Timothy J. Hogan; Timothy J. Hogan

**Cc:** cmatsui@triallawhawaii.com; Eric Liebler (E-mail); Erin Lee (E-mail); Emily Reber Porter (E-mail); Julia Morgan; kakamine@triallawhawaii.com; kgabler@nchc.com; Sheldon Toll (E-mail); Leroy Colombe (E-mail); Lex Smith; Lyle Hosoda (E-mail); Lyle Hosoda (E-mail); Margery Bronster (E-mail); Rex Y. Fujichaku; Roy Tjioe (E-mail); Wesley H. Ching (E-mail); hawaiilaw@att.net; Damian Capozzola

**Subject:** RE: DVD Received & Exhibit A

Mr. Hogan,

I'm not sure I understand what you mean by "most likely candidates" . . . Is there a spreadsheet containing a list of the 23,000 or so files that we are supposed to export? If so, which of the spreadsheets is it?

I am trying to have an employee perform this work, which would be greatly facilitated if I could point him to a spreadsheet and tell him to search for and export to a DVD the files listed on the spreadsheet.

Thanks,  
Victor Limongelli

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**From:** Timothy J. Hogan [mailto:hogant001@hawaii.rr.com]

**Sent:** Monday, June 06, 2005 4:24 PM

**To:** Limongelli, Victor; Timothy J. Hogan

**Cc:** cmatsui@triallawhawaii.com; 'Eric Liebler (E-mail)'; 'Erin Lee (E-mail)'; 'Emily Reber Porter (E-mail)'; 'Julia Morgan'; kakamine@triallawhawaii.com; kgabler@nchc.com; 'Sheldon Toll (E-mail)'; 'Leroy Colombe (E-mail)'; 'Lex Smith'; 'Lyle Hosoda (E-mail)'; 'Lyle Hosoda (E-mail)'; 'Margery Bronster (E-mail)'; 'Rex Y. Fujichaku'; 'Roy Tjioe (E-mail)'; 'Wesley H. Ching (E-mail)'; hawaiilaw@att.net; 'Damian Capozzola'

**Subject:** RE: DVD Received & Exhibit A

**Dear Mr. Limongelli:**

**If you focus right away on the first 500 files in (1) Suspect Files – After00.xls and the the entire 1317 in (2) Suspect Files – Before01.xls you will hit some of the most likely candidates in the first pass. This is not to say there aren't others in the remaining files but because of the scope of the task we think this would be a good place to start.**

**Tim Hogan**

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**From:** Limongelli, Victor [mailto:victor.limongelli@guidancesoftware.com]

**Sent:** Monday, June 06, 2005 1:17 PM

**To:** Timothy J. Hogan; Timothy J. Hogan

**Cc:** cmatsui@triallawhawaii.com; Eric Liebler (E-mail); Erin Lee (E-mail); Emily Reber Porter (E-mail); Julia Morgan; kakamine@triallawhawaii.com; kgabler@nchc.com; Sheldon Toll (E-mail); Leroy Colombe (E-mail); Lex Smith; Lyle Hosoda (E-mail); Lyle Hosoda (E-mail); Margery Bronster (E-mail); Rex Y. Fujichaku; Roy Tjioe (E-mail); Wesley H. Ching (E-mail); hawaiilaw@att.net; Damian Capozzola

**Subject:** RE: DVD Received & Exhibit A

Just to clarify, there was a repeated typo in the lists. Here it is with the typo corrected:

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(5) Suspect Files – Before04.xls	24989
(6) Suspect Files – Before05.xls	24966
(7) Suspect Files – Before06.xls	24726
(8) Suspect Files – Before07.xls	15512

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**From:** Limongelli, Victor

**Sent:** Monday, June 06, 2005 4:03 PM

**To:** 'Timothy J. Hogan'; Timothy J. Hogan

**Cc:** cmatsui@triallawhawaii.com; 'Eric Liebler (E-mail)'; 'Erin Lee (E-mail)'; 'Emily Reber Porter (E-mail)'; 'Julia Morgan';

kakamine@triallawhawaii.com; kgabler@nchc.com; 'Sheldon Toll (E-mail)'; 'Leroy Colombe (E-mail)'; 'Lex Smith'; 'Lyle Hosoda (E-mail)'; 'Lyle Hosoda (E-mail)'; 'Margery Bronster (E-mail)'; 'Rex Y. Fujichaku'; 'Roy Tjioe (E-mail)'; 'Wesley H. Ching (E-mail)'; hawaiiaw@att.net; 'Damian Capozzola'

**Subject:** RE: DVD Received & Exhibit A

Mr. Hogan,

Please find attached the Exhibit A for Nick Ringold, who will be performing the file exporting for us. I am awaiting a time estimate from Mr. Ringold. To that end, with respect to the DVD that we received from you on Friday, there are eight spreadsheets on it, with the following number of files listed in each spreadsheet:

(1) Suspect Files – After00.xls	23423
(2) Suspect Files – Before01.xls	1317
(3) Suspect Files – Before02.xls	24906
(4) Suspect Files – Before01.xls	24113
(5) Suspect Files – Before01.xls	24989
(6) Suspect Files – Before01.xls	24966
(7) Suspect Files – Before01.xls	24726
(8) Suspect Files – Before01.xls	15512

Our understanding is that there were 23,000 or so files that we were supposed to be exporting to DVD. As you can see from the above list, 5 of the 8 spreadsheets have over 24,000 entries apiece. In total, there appears to be over 185,000 listings.

Of that group, which are the 23,000 or so files that we are supposed to locate and export to DVD?

Is it the list of files in "Suspect Files – After00.xls," which appears to have the correct number of files?

Thanks,

Victor Limongelli

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**From:** Timothy J. Hogan [mailto:hogant001@hawaii.rr.com]

**Sent:** Friday, June 03, 2005 6:59 PM

**To:** Limongelli, Victor; Timothy J. Hogan

**Cc:** cmatsui@triallawhawaii.com; 'Eric Liebler (E-mail)'; 'Erin Lee (E-mail)'; 'Emily Reber Porter (E-mail)'; 'Julia Morgan'; kakamine@triallawhawaii.com; kgabler@nchc.com; 'Sheldon Toll (E-mail)'; 'Leroy Colombe (E-mail)'; 'Lex Smith'; 'Lyle Hosoda (E-mail)'; 'Lyle Hosoda (E-mail)'; 'Margery Bronster (E-mail)'; 'Rex Y. Fujichaku'; 'Roy Tjioe (E-mail)'; 'Wesley H. Ching (E-mail)'; hawaiiaw@att.net; 'Damian Capozzola'

**Subject:** RE: DVD Received

No. You (Guidance) may feel free to use the list and his spreadsheets for purposes of this litigation restricted only by the protective order and the Master's orders for the purposes for which it is provided (IE produce the imaged files).

Thank you for asking,

Tim Hogan

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**From:** Limongelli, Victor [mailto:victor.limongelli@guidancesoftware.com]

**Sent:** Friday, June 03, 2005 3:46 PM

**To:** Timothy J. Hogan; Timothy J. Hogan

**Cc:** cmatsui@triallawhawaii.com; Eric Liebler (E-mail); Erin Lee (E-mail); Emily Reber Porter (E-mail); Julia Morgan; kakamine@triallawhawaii.com; kgabler@nchc.com; Sheldon Toll (E-mail); Leroy Colombe (E-mail); Lex Smith; Lyle Hosoda (E-mail); Lyle Hosoda (E-mail); Margery Bronster (E-mail); Rex Y. Fujichaku; Roy Tjioe (E-mail); Wesley H. Ching (E-mail); hawaiiaw@att.net; Damian Capozzola

**Subject:** DVD Received

Mr. Hogan,

I received the DVD today, presumably with the listing of 23,000+ files. It has a sticker on the front that says, in part:

Copyright © 2005 by Wayne Berry

All Right Reserved

Is Mr. Berry claiming a copyright in the listing of file names from Fleming's computer? If so, is he explicitly authorizing us to copy or print some or all of that listing of files, as may be necessary or useful in performing the extraction of the listed files from the forensic images (subject, of course, to applicable confidentiality orders)? Please clarify.

Regards,

Victor Limongelli

**Victor Limongelli | VP, Professional Services & General Counsel | Guidance Software, Inc.**

215 N. Marengo Ave. | Pasadena | CA | 91101 | t 626.229.9191 | f 626.229.9199

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2/13/2006

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Note: The information contained in this message may be privileged and confidential and thus protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.